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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed July 30, 2004. In the Office Action, the Examiner notes that claims 1-12 are pending, of which claims 1-12 are rejected. By this response, claim 1 is amended and claims 2-12 continue unamended.

In view of the following discussion, Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicant believes that all of these claims are now in allowable form.

REJECTIONS**35 U.S.C. §102****Claims 1-12**

The Examiner has rejected claims 1-12 under 35 U.S.C. §102(e) as being unpatentable over Mandal (U.S. Patent 6,170,009, hereinafter "Mandal"). Applicant respectfully traverses the rejection.

Independent claim 1 (claims 7, 8, 9 and 10 recite similar limitations as recited in independent claim 1) recites features of the Applicant's invention that the Applicant considers to be inventive. In particular, independent claim 1 recites:

"A method for monitoring usage of resources in a plurality of elements each capable of communicating with a centralized management station, comprising the steps of:

computing in each of the elements, a localized value indicative of the usage, in said element, of said resources, and, responsive to said localized value, communicating a message to said central station; and responsive to receipt or absence of receipt of said message in said centralized management station, obtaining information from at least another one of said elements indicative of the usage of said resources in said other element." (emphasis added).

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220

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U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). The Mandal reference fails to teach or suggest each and every element of the claimed invention, as arranged in the claim.

The Mandal reference discloses "the system illustrated in FIG. 1 includes network 108, which is coupled to clients 102, 104 and 106 as well as servers 118 and 120. Network 108 is additionally coupled to devices 130 and 132 and policy server 122. Policy server 122 receives commands from user 126 through Graphical User Interface (GUI) 124, and uses these commands to control the actions of devices coupled to network 108. The system illustrated in Fig. 1 operates as follows: First, user 126 inputs commands into GUI 124. These commands specify a high-level policy for controlling actions of devices 130 and 132. Next, policy server 122 receives these commands and translates them into low-level device-specific commands that are sent to devices 103 and 132 across network 108. (see Mandal, Col. 2, Lines 51-57 and Col. 3, Lines 45-67.)

The Mandal reference is completely different than the Applicant's invention since the Mandal reference fails to teach, or even suggest "computing in each of the elements, a localized value indicative of the usage, in said element, of said resources, and, responsive to said localized value, communicating a message to said central station". That is, the Applicant's invention provides that each of the elements in the network compute a localized value that indicates the usage of the resources by the element and then communicates a message to a central station. Nowhere in the Mandal reference is there any teaching or suggestion of any of the elements computing a localized value and then sending a message to the centralized station.

Rather, the Mandal reference merely discloses that policy server 122 receives commands from a user associated with the policies for controlling actions of devices 130 and 132. Once the policy server receives these commands from the user, the policy server sends these user inputted policies to specific devices across the network. Thus, the applicant's invention provides traffic flow from the individual elements in the network to the central station, as opposed to the Mandal reference which sends traffic from the central station (i.e., policy server) to the network elements. In fact, the Mandal reference is completely silent with respect to any teaching of the network elements sending a localized value indicative of the usage of resources in the elements to the

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central station. Therefore, the Mandal reference fails to teach each and every element of the claimed invention, as arranged in the claim.

As such, Applicant submits that independent claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Independent claims 7, 8, 9 and 10 recite similar limitations as recited in independent claim 1. As such, and for at least the same reasons as discussed above, the Applicant submits that independent claims 7, 8, 9 and 10 also are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-6 and 11-12 depend, either directly or indirectly, from independent claims 1, 7, 8, 9 and 10 and recite additional features thereof. As such and at least for the same reasons as discussed above, Applicant submits that these dependent claims are also not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicant respectfully requests that the rejections be withdrawn.

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CONCLUSION

Thus, Applicant submits that all of the claims presently in the application, are not anticipated and are patentable under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Steven M. Hertzberg at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 10/28/04



Eamon J. Wall
Registration No. 39,414
Attorney for Applicant

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

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